

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRIAN BAGLEY,

Plaintiff,

v.

CORRECTIONAL OFFICERS GARY SLATTERY, JUSTIN
QUAIN, AND STEVEN BEAURY,

Defendants.

**AMENDED
COMPLAINT**

(Jury Trial Demanded)

Civil Case No.: 20-cv-683

Plaintiff, Brian Bagley, by his attorney, George H. Lowe, alleges as follows:

JURISDICTION

1. This is a civil action seeking damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3), and (4), and 2201.

PARTIES

2. Plaintiff: Brian Bagley (DIN 17-B-0112) presently is incarcerated at the Sullivan Correctional Facility in Fallsburg, New York.

3. Defendants: At all relevant times, the Defendants Slattery, Quain, and Beaury were Correctional Officers assigned to the Great Meadow Correctional Facility at Comstock, New York, (“Great Meadow CF”) and were acting under color of state law.

FACTS

4. On or about March 20, 2017, Plaintiff was received at Great Meadow CF where he was interviewed by a Sergeant. Plaintiff advised the Sergeant that he had been threatened by another inmate, who was attempting to extort something of value from Plaintiff in return for the

inmate's protection. The Sergeant stated "you aren't here five minutes and you are snitching already!" The Sergeant stated that there was no way that Plaintiff was going to obtain protective custody.

5. Plaintiff subsequently advised other employees of Great Meadow CF that he was concerned for his life and safety because an inmate had threatened him and because in a previous prison he had been harassed and threatened.

6. On March 23, 2017, Defendants Slattery and Quain entered Plaintiff's cell. Defendant Slattery punched Plaintiff in the stomach and said that this is what "rapeos" get. Plaintiff was pushed out of his cell and ordered to place his hands on the wall to be pat-frisked.

7. Defendant Quain then ran his hand up Plaintiff's leg, slamming his fist into Plaintiff's genitalia. Defendant Quain repeated this conduct. Defendant Slattery then performed the same acts on Plaintiff's other leg, slamming his fist into Plaintiff's genitalia.

8. Defendant Quain then instructed Plaintiff to announce to the cell block that he was a creep and a rapeo. Plaintiff refused. Defendant Quain went into Plaintiff's cell and destroyed Plaintiff's personal property, including Plaintiff's religious materials.

9. Plaintiff was ordered to clean up the cell. Defendant Slattery slapped Plaintiff and told Plaintiff to kill himself. Plaintiff asked how to do that, and Defendant Slattery said to use your shaving razor and to cut your wrists and neck.

10. Later that day, Defendant Beaury came by Plaintiff's cell, and Plaintiff asked to be seen by medical and mental health personnel, explaining that he had been sexually and physically assaulted by Correctional Officers and threatened for extortion by an inmate. Defendant Beaury told Plaintiff to shut up and to slit his wrists and neck as he had been told to. He instructed Plaintiff

to use nail clippers to take the blade out of his shaving razor, and then to cut his wrists and neck. Defendant Beaury gave Plaintiff nail clippers to accomplish this.

11. Plaintiff concluded that he was going to face years of sexual and physical assaults by Correctional Officers and inmates, without any protection being provided by the authorities, and that he was going to be impeded in the practice of his religion. He felt that his situation was hopeless, and therefore he did as he had been instructed, and slit his wrists and neck.

FIRST CAUSE OF ACTION

12. Defendants Slattery and Quain knowingly, intentionally, and deliberately used excessive force on Plaintiff, in violation of his Eighth Amendment rights.

SECOND CAUSE OF ACTION

13. Defendant Beaury was knowingly, intentionally, and deliberately indifferent to Plaintiff's basic human needs, including his medical needs and protection from harm, in violation of his Eighth Amendment rights.

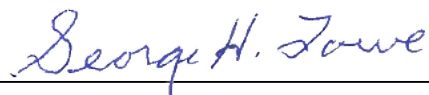
THIRD CAUSE OF ACTION

14. Defendants Slattery and Quain knowingly, intentionally, and deliberately deprived Plaintiff of his religious materials, in violation of his First Amendment rights.

WHEREFORE, Plaintiff demands judgment:

- 15. Awarding him compensatory damages in the amount of \$250,000.00;
- 16. Awarding him punitive damages in the amount of \$500,000.00;
- 17. Awarding him reasonable costs and attorney's fees;
- 18. Granting him such other and further relief as may be just and appropriate.

Dated: November 9, 2023

A handwritten signature in blue ink that reads "George H. Lowe". The signature is written in a cursive style with a horizontal line underneath it.

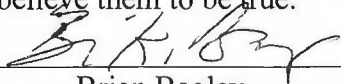
George H. Lowe
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Telephone: 315-218-8000
E-mail: loweg@bsk.com
Attorney for Plaintiff

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF SULLIVAN)

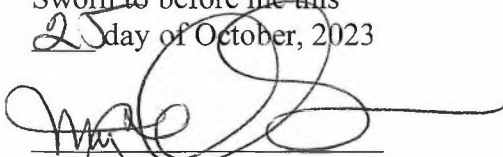
Brian Bagley, being duly sworn, deposes and says:

I am the Plaintiff in this action and I have read the Amended Complaint, and I know its contents, and the same is true to my knowledge, except as to such matters which are stated to be alleged on information and belief, and as to those matters I believe them to be true.



Brian Bagley

Sworn to before me this
25 day of October, 2023



Notary Public

